

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

CHARLOTTE QUILLEN-SMITH,	:	
Plaintiff,	:	
v.	:	Case No. 3:20-cv-364
U.S. BANK, N.A.,	:	JUDGE WALTER H. RICE
Defendant.	:	

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DECISION AND ENTRY OVERRULING WITHOUT PREJUDICE  
PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT (DOC. #4)

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Plaintiff has filed a Motion for Default Judgment, Doc. #4. The docket shows that Defendant was served on September 2, 2020, but has not yet filed an Answer or other responsive pleading.

In federal court, there is a two-step process for obtaining a default judgment. The plaintiff must first ask the Clerk to enter default pursuant to Fed. R. Civ. P. 55(a). After default has been entered, the plaintiff may then move for default judgment under Fed. R. Civ. P. 55(b). Given that Plaintiff has not yet applied to the Clerk for an Entry of Default, the Court OVERRULES Plaintiff's Motion for Default Judgment, Doc. #4, WITHOUT PREJUDICE to refiling.

Date: October 6, 2020

Handwritten signature of Walter H. Rice in blue ink.

(tp - per Judge Rice authorization  
after his review)

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WALTER H. RICE  
UNITED STATES DISTRICT JUDGE